

including a lower phase comprising the polyhydroxybutyrate of formula 1; dissolving the polyhydroxybutyrate of formula 1 in chloroform and adding ethanol to form a precipitate.

B1
Cont

Claim ¹¹24 (new) The process as claimed in claim ¹³~~23~~, wherein the precipitate is chilled and recovered by further centrifuging to recover the polyhydroxybutyrate of formula 1.

REMARKS

The Official Action of December 10, 2001 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Applicants have noted with appreciation the indication that the claims are free of the prior art. The claims have now been amended to remove the informalities noted by the Examiner at paragraph 4 of the Official Action. All claims as amended are believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

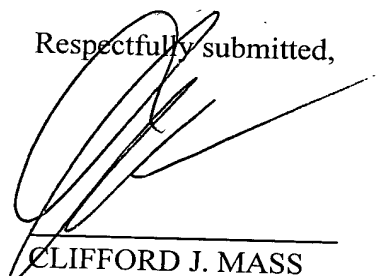
The Examiner has rejected the claims under 35 USC 112, first paragraph, because the specification is allegedly not enabling for the subject matter claimed without a deposit of the claimed bacteria. Applicants respectfully note that the provisions of 37 CFR 1.809(c) allow an applicant to provide written assurance that an acceptable deposit will be made whereupon the applicant will receive a notification

providing a period of time within which to make the deposit (see also MPEP Section 2406). Pursuant to these provisions, Applicants hereby provide assurance that steps are being taken to deposit the recited microorganism (*Bacillus mycoides* RLJ B-017) in an internationally recognized depository. The microorganism will be publicly accessible and restrictions, if any, will be irrevocably lifted on grant of a patent from this application. Applicants further provide assurance that the deposit will be viable and maintained for thirty years and that, should it become necessary due to inviability, contamination or loss of capability, the deposit will be replaced.

With respect to the Examiner's request for a substitute specification, Applicants respectfully request that such requirement be deferred until the application has otherwise been placed into condition for allowance.

Applicants have now addressed each and every requirement set forth by the Examiner in the aforementioned Official Action. An early and favorable reconsideration of the application as amended is respectfully requested.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890